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ABSTRACT

Methodology and findings are reported for a study conducted to determine the need for change in the faculty tenure system at Norwich University (NU). The report first presents background information concerning NU and reviews the literature on tenure. Study procedures are then outlined: an analysis of NU tenure regulations as revealed in committee reports and other university documents; a survey of four individuals, including NU administrators, who are very familiar with the NU tenure system; conversations with a Vermont congressman on current federal employment laws; the solicitation of tenure information from selected educators in California, Florida, Illinois, and the New England region; and a literature review. Following a delineation of study hypotheses and limitations, the report summarizes study findings, noting, among other items, trends and projections in faculty tenure and student enrollment at NU, court cases involving the rights of tenured faculty who are dismissed because of fiscal exigency, and the effects of federal legislation deferring the mandatory retirement age to 70. Finally, the report notes the projected increase in the percentage of NU faculty who are to be assured tenure, discusses the threat to administrative stability by increasing the number of tenured faculty in the face of declining enrollments, outlines recommendations for reevaluating NU's tenure system, and presents a bibliography. (JP)

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AN ANALYSIS OF THE TENURE SYSTEM AT NORWICH UNIVERSITY AND THE IMPLICATIONS FOR CHANGE

GOVERNANCE MODULE

by

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ABSTRACT

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Practicum: An Analysis of the Tenure System at Norwich University and the Implications for Change

Abstract: The practicum explored the history and pattern of tenure policies at Norwich University. The procedures used were to interview the dean of the university, select tenured faculty, Vermont Commissioner of Education, and Vermont Congressmen; survey the literature to appraise patterns of approach for tenure at other institutions; to explore Federal and State laws that provide equal employment and job security; and to calculate current faculty tenured, rate of tenure and project expected percentage of tenured faculty for the next three years. The findings indicated general support of the authors' belief that the percentage of tenured faculty is increasing to the point where some departments will soon be fully tenured. The authors made concrete recommendations for improvement of the tenure system. They further concluded that job security is assured via constitutional amendments.

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INTRODUCTION

The problem addressed was analysis of the tenure system at Norwich University and the implications for change. The purpose of the investigation was to determine the need for change in the present tenure system at Norwich. The number of faculty tenured (43%), the percent of tenured faculty within departments (e.g. 90% in the Mathematics Department), and the changes in the retirement laws all gave impetus to this study.

In addition, the authors, as members of the University Promotion and Tenure Committee, became aware of the need to study the tenure system when the Dean of the University made a statement in the December 1978 meeting that he was concerned with the increasing number of faculty becoming eligible for tenure (e.g. at least 10 in 1980).

The methods used for conducting the study were an analysis of the University tenure regulations; an analysis of Federal and State laws pertaining to job security with particular attention to the 1978 Amendment to the Age Discrimination in Employment Act of 1967; interviews of faculty and staff knowledgable about past and current tenure procedures and regulations at Norwich University; interviews of personnel in higher education; and reviews of current literature pertinent to tenure and retirement.

BACKGROUND AND SIGNIFICANCE

Tenure is academia's way to ensure job security and academic freedom for faculty. Tenure has served as a vehicle in helping the search for and the dissemination of truth.

> Teacher tenure is not a job guarantee (as it is often misconceived to be by the public) but rather a job security device protecting against termination of employment in cases where there are no grounds for termination or where the teacher has no fair opportunity to present his defense.[1]

History

Norwich University is a private institution with a tenure system; there is no formal or informal quota for the University as a whole or within departments. Tenure is governed by a promotion and tenure committee of the University composed of 10 tenured full professors, three non-voting tenured associate professors (all of whom together provide departmental representation for the 13 non-military departments in the University) and chaired by the Dean of the University. Membership does not rotate. The committee's recommendations are forwarded to the president for action.

Norwich University consists of two campuses. In 1972, Vermont College in Montpelier was merged with Norwich University in Northfield, Vermont. Prior to the merger, faculty at Vermont College all held the rank of instructor; Norwich faculty consisted of instructors, assistant professors, associate professors, and professors.

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[1] Thomas A. Shannon, Should Teachers Tenure Laws Be Replaced, U.S. Educational Resources Information Center, ERIC Document ED 057 498, November 1971, p. 2.

At the time of the merger, Vermont College faculty who were hired by Norwich were given appropriate rank commensurate with their education and years of experience. Those faculty who had three or more years of experience at Vermont College were given three years credit toward tenure in accordance with the tenure policy in existence at that time at Norwich and as outlined in the Administrative Handbook.

The years of 1977, 1978, and 1979 saw a gradual increase in enrollment at Norwich University. Contrary to the national predictions of decreasing enrollment in the 1980's, Norwich University because of its several unique qualities--the oldest of seven private military colleges in the U.S., its location in the Ski Capital of the East, its Vermont College campus which specializes in vocational careers and which attracts older students (particularly women)--and because the kinds of programs which Norwich offers provide good employability in the coming years (e.g. business, engineering, nursing, and physical education) the University stands to maintain and/or increase its enrollment during the 1980's.

These trends which the authors found in the percentages and population predictions were of particular importance in the study of the Norwich tenure system.

To provide a relationship between the literature review and the subject of this practicum the authors explored University documents; these provided a basis for the kinds of literature that

were needed for analysis and suggested changes of the Norwich tenure system.

Norwich University in its latest Administrative Handbook (1979) includes the current tenure regulations in force at the institution.

The institution strives to maintain a faculty which is academically qualified and numerically sufficient to perform the responsibilities assigned to it. The philosophy of the University is that effective faculty performance requires a climate of reasonable security. Conditions of service are provided that are equitable, administered ethically, and provide academic freedom and opportunities for professionalism according to the handbook resume of employment practices.

The history of Norwich shows that faculty associations have been limited in success of operation. In 1952, a chapter of the AAUP was established; this continues to exist and is the only outside affiliation that faculty have for support of job security. The voluntary membership in the local AAUP chapter does not include the entire faculty.

Unions and collective bargaining have not yet appeared nor attempted to form at Norwich. While AAUP is seen as giving a consensual model, collective bargaining is a formal approach.

At Norwich each faculty member has direct recourse to the Dean of the University and/or President in matters of faculty bargaining, although the normal route is through one's department chairman.

Literature Review

A review of the literature pertinent to tenure during the growth years of 1960-69 showed that tenure was consistent with student expansion in both public and private institutions. In private institutions the tenure rate remained constant or declined in 1968-72. In the report Market Conditions in U.S. Higher Education 1955-1973, the year 1975 saw a leveling off of tenure granting in public institutions but showed a stability and slight growth in tenure granting in private institutions. The tenure rate behaved as an economic variable with higher tenure rates accompanying rapidly increased employment in academia.

Minter and Bowen have stated that the number of faculty employed increased (1969-77) without statistics showing a corresponding increase in enrollment. They were at a loss to explain faculty expansion when in reality retrenchment should have shown. They further stated that the percentage of faculty tenured held steady from 1976 to 1979 and that new appointments equaled about 10 percent of total faculty.[2]

The tenure percentage in 1975-76 was 51 percent for private institutions and 57 percent for all public institutions.[3] Minter wrote that "faculty turnover decreased slightly."[4]

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[2]J. Minter and H. Bowen, Private Higher Education Third Annual Report 1977, Association of American Colleges, 1818 R Street, NW Washington D.C., 20009, p. 17.

[3]Ibid., p. 22.

[4]Ibid., p. 61.

Projections of Occupational Employment in New England to 1985 predicts "a decreased need of minus 21.2% or 6,853 fewer college and university teachers by 1985."[5]

According to a survey by the National Center for Educational Statistics, Vermont showed an increase of 0.9% of students from the fall of 1977 to the fall of 1978; nationally, private colleges and universities showed a decline of 0.3% in total enrollment and 0.6% for public institutions.[6]

Although AAUP has been a staunch supporter of academic freedom and job security, Morten S. Baratz, general secretary to AAUP has warned that "The tenure system has been eroded substantially,"[7] and that faculty members without tenure "do not want to join the association because of its sturdy defense of the tenure system in a time of shriveling job opportunities."[8] Baratz further states "budgetary difficulties are prompting many institutions to disregard the AAUP's principles on academic freedom and tenure."[9] Perhaps as O'Toole suggested, "Without tenure, faculties would turn en masse to unionism to gain job security."[10]

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[5]U.S. Department of Labor, Projections of Occupational Employment in New England to 1985, Regional Report 78-4, 1978, p. 26.

[6]Jack Magarrell, "The Enrollment Roller Coaster: Colleges Fear the Big Dip," The Chronicle of Higher Education, Vol. XVII: 1, September 5, 1978, p. 13.

[7]Beverly T. Watkins, "Survival of AAUP in Doubt," The Chronicle of Higher Education, June 18, 1979, p. 9.

[8]Ibid., p. 9.

[9]Ibid., p. 9.

[10]James O'Toole, "Tenure--A Conscientious Objection," Change, June/July 1978, p. 31.

Tenure can be traced back to 1158 when Emperor Frederick Barbarossa issued the Authentica Habita. Early development in the U.S. traces back to Oxford and Cambridge and then to Harvard. The AAUP has played an active role in tenure. In 1915, professors at Johns Hopkins were among those who formed the AAUP; at least four statements have been issued by AAUP on academic freedom and tenure--1915, 1925, 1940, and 1958.[11]

Tenure is defined in various terms. Some claim that tenure provides the basis for evolving due process and grievance; without tenure, due process would be long and costly. Shannon claims tenure as job security against termination of employment, not as a job guarantee. Aside from any popular concepts of tenure, he stresses the legal concept to be as follows:

"T=ground for dismissal + hearing procedure to ascertain such grounds actually exist"[12]

"The primary purpose of tenure is the protection of academic freedom,"[13] says Mix. "Tenure provides not the guarantee of a job but an expectancy of continued employment under usual and ordinary circumstances."[14]

In a rebuttal of O'Toole's article (Change Magazine, July 1978) concerning his renouncement of tenure Van Alstyne writes that the tenure system establishes the procedural safeguards needed.

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[11] Marjorie C. Mix, Tenure and Termination in Financial Exigency, Higher Education Research Report No. 3, George Washington University, Washington, D.C., ERIC Document ED 152 222, 1978, p. 3.

[12] Thomas A. Shannon, Should Teacher Tenure Laws Be Repealed, ERIC ED 057 498, November 1971, p. 2.

[13] Mix (op cit), p. 3.

[14] Mix (op cit), p. 5.

If this is true, the due process provided in universities is primarily because of maintaining a tenure system. "Tenure provides a rigorous standard of senior faculty quality."[15]

Miller, writing in The Chronicle of Higher Education defines tenure as "unlimited job security"[16] and a "safeguard"[17] for academic freedom. He calls tenure a trap that places the untenured into political machinations and the tenured into jobs.

Mark Nadel, formerly of Cornell University, says that if we equate tenure with job security we are "saying that academic freedom is vital for senior faculty members but not so important for junior faculty members.[18]

James A. Lee says of tenure that "its most damaging effect today is permitting the early crystallization of some faculty who would have responded to a system in which their performance in the classroom and laboratory was their tenure.[19] Others would argue "that getting there is part of the reward, and if you do not enjoy graduate school, teaching, research, field work, and writing in some combination you probably should not be in academia."[20]

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[15]William W. Van Alstyne, "Tenure-A Conscientious Objective," Change, October 1978, p. 46.

[16]R. D. Miller, "Tenure: A Cause of Intellectual Cowardice?" Chronicle of Higher Education, April 30, 1979, p. 72.

[17]Ibid., p. 72.

[18]Washington Monthly, p. 29, November, 1979.

[19]James A. Lee, "Tenure: Arguments for and Against," Chronicle of Higher Education, June 25, 1979, p. 17.

[20]Robert B. Kent, "Tenure: Arguments for and Against," Chronicle of Higher Education, June 25, 1979, p. 17.

In spite of the pro's and con's tenure to the academician is second in importance to money. It restricts mobility. Those tenured hesitate to try business and government, and those in business and government find it almost unsurmountable to enter education because of the lack of tenure slots and upward mobility. Tenure discourages creativity during the probationary period prior to tenure when one believes he must more likely conform to status quo in order to receive tenure. Tenure is used in lieu of money by holding individuals in low-paying positions.[21]

Academicians usually agree that tenure should be something earned and that it merits recognition of its own accord; a teacher who achieves a certain status in the classroom should have no fear of losing his or her job. However, tenure does not assure promotion, merit pay raise, or sabbaticals, and these are among benefits for which an increasing number of faculty are searching.

"Historical progress since the 1940's has produced new institutions and attitudes that have reshaped the concept of academic freedom into current regard for individual rights in the work place. The judicial system has repeatedly reaffirmed the rights."[22]

In reviewing Federal and state tenure statutes constitutional due process, ...provides a judicially made quasi-tenure protection.[23]

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[21]Wallace F. Witham, Jr., "Letter To The Editor," Chronicle of Higher Education, June 25, 1979, p.17.

[22]Thomas A. Shannon, Should Teacher Tenure Laws Be Repealed, ED 057 498 November 1971, p. 2.

[23]Ibid., p. 2

Thomas Shannon, attorney for San Diego Community Colleges states that dismissal that goes to court, allows the court to use its independant judgement and acts as employer "and the courts simply do not have any business in our scheme of government to perform this duty."[24] Shannon feels strongly that "Instead of a laundry list of reasons for which a teacher may be terminated any reason which seriously diminishes his capacity to serve should be adequate grounds for dismissal."[25]

"There is a long line of decisions sustaining the right of a teacher regardless of the tenure statutes to seek redress for disciplinary action or termination of employment is derogation of that teacher's constitutionally protected rights."[26]

Tenure has created a class (caste) structure and is a chief cause of intellectual cowardice; abolish tenure and gain flexibility.[27] Tenure makes faculty "almost entirely unaccountable for its conduct and competence" ...and "carries an aura of nobility..."[28] The "system encourages people who should be at the prime of their professional lives to go into semi-retirement."[29] The institution is locked "into a life

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[24]Ibid., p. 2.

[25]Ibid., p. 2.

[26]Ibid., p. 2.

[27]John S. Fields, "The Law of Non-tenured Teachers Dismissal," Journal of the Proceedings, School Law Forum, October 28, 1971, p. 23.

[28]Miller Op. Cit., p. 72.

[29]Nadel, p. 29.

time commitment to people, and that can be terribly damaging to any institution."[30]

Norwich University, having 43% of the faculty tenured (academic year 1978-79) and a growing number of faculty becoming eligible for tenure within the next 5 years, like other colleges, did not anticipate the 1978 amendment to the Age Discrimination in Employment Act (ADEA) of 1967 which "forbids bias, including forced retirement against workers aged 40 to 70."[31]

The authors' participation on the Promotion and Tenure Committee, membership in the AAUP chapter at Norwich, and attendance at faculty information meetings which are occasionally held has indicated that little concern is in evidence among faculty regarding the tenure system. Meanwhile, current literature on tenure increases and is more recently based on opinions of the worth of tenure and on the influence of the ADEA amendment; collective bargaining and unions are gaining establishment on college campuses. More faculty and institutions with tenure systems are facing uncertain future decisions regarding survival of tenure.

Norwich has used the AAUP guidelines in its policy setting for tenure. At the present time, tenure is seen by the faculty at Norwich as the major vehicle for faculty procuring job security; it is considered a major governance tool at the University. These factors along with the

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[30]Ibid., p. 33.

[31]Washington Notes--"Older Workers May Be Given Lower Fringe Benefits," Chronicle of Higher Education, June 18, 1979, p. 14.

review of the literature by the authors indicated that the study of the tenure system at Norwich University was an appropriate topic for the governance module.

PROCEDURES

The authors met with the Dean of the University on February 6, 1979, to discuss tenure at Norwich. He agreed that the tenure system should be reviewed, and he approved the authors' research project. At that time he stated that he questioned whether tenure at Norwich offers anything that is not already a person's constitutional right; namely, job security with a right to judicial hearing if dismissed and academic freedom. He also expressed concern that 66% of the faculty may soon be tenured and the percent of tenured faculty in each department must come under consideration. At the March 6, 1979, meeting of the Promotion and Tenure Committee, the Dean (Chairman) notified the committee members that two members of the committee (the authors) were going to do research on the tenure system at Norwich and the members gave their support to the project. The only limitation placed on the authors was restriction of the use of items of privileged information which the committee used for promotion and tenure decisions and had in its official minutes. The authors had anticipated such a limitation and assured the committee members that the material used would be within these limits.

To review the tenure system at Norwich, the authors studied the faculty handbook, committee reports, AAUP memoranda, and memoranda from the administration. These provided the historical perspective required.

For additional data and for current regulations, questionnaires

were prepared and submitted to four selected persons whom the authors believed could best provide the specific background and information required for the study. These included the Dean of the University, Assistant Dean of the University, President of local AAUP chapter, and a tenured full professor in the History and Government Department.

Phone calls and visits requested information of Congressman James Jeffords (R Vt.) from his Burlington and Washington offices on the current federal employment laws.

To ascertain how tenure is being dealt with in other instiutions of higher education, letters were prepared and sent requesting tenure information from selected educational personnel in California, Florida, Illinois, and the New England region. An extensive review of current literature was then done.

When the literature was reviewed and material from questionnaires, letters, and interviews was gathered, then comparisons could be made concerning tenure systems and projections established concerning the Norwich tenure status.

The implications for change were to be derived after the material was collected and after charts were prepared to determine total full-time faculty, percent of tenured faculty, percent of tenure faculty in each department, projections of faculty requirements for five years, number of faculty affected by 1978 amendment to ADEA, and tenure projections to 1985. Finally the authors would, through these procedures, then determine implications for change in the tenure system based on Norwich, its history, its faculty, its governance procedures,

and the current actions and suggestions of the Promotion and Tenure Committee.

Hypotheses

The authors hypothesized that:

1. Norwich will be overtenured (using the 66% figure given by the Dean) within three to five years because of the change in retirement age, possible decreasing enrollment,and a corresponding decrease in total faculty being hired.

2. a major study of the tenure system will be necessary and alternate plans must be explored and implemented.

3. constitutional law and the National Labor Relations Board give each faculty member equal opportunity for due process upon dismissal; therefore, this would suggest that tenure offers more prestige than it offers job security.

Limitations

After the authors had done a good deal of the literature review, they found two major areas of procedures would need changing:

1. The impact of Federal and state law on tenure

2. Comparison of Norwich with similar institutions in order to draw conclusions of tenure

The research indicated that Federal and state laws have a major impact on fair employment practices but to attempt to equate them with tenure systems in such a way as to influence tenure per se was not sufficiently indicative of a reasonable factor influencing Norwich at this time. The consideration of the 1978 Amendment to ADEA became law after the authors had written their proposal. Since its adoption as law, it has became a major concern at Norwich University.

Norwich as a private military college with a civilian campus 12 miles distant had a governance plan different from any of the other private military colleges. On the one hand, all those faculty who were military personnel (Army and Air Force) were not on tenure tracks, and on the other hand, for those civilian faculty tenure itself was a major governance tool.

Therefore, in this research the 1978 Amendment to ADEA took on a greater importance to Norwich tenure than was anticipated in the proposal, and comparison of Norwich with other institutions took a lesser-than-anticipated role.

RESULTS

The authors found that Norwich has prided itself in handling astutely faculty promotion and tenure. Its tenure policy and guidelines are published in Academic Memorandum #12, May 1979, (Appendix A) and are similar to past regulations. Of particular note in this data is the fact that Norwich, as a military college, has on its faculty a number of members of the United States Army and United States Air Force. These persons are not considered in tenure policies, and were not included in any of the research data done in this project.

Norwich has maintained a stable faculty through normal attrition such as retirement, illness, and faculty electing to leave (a heavy emphasis on doctoral education as a requirement for tenure and promotion causes much of this attrition).

The University does not have a quota system for tenure. An ad hoc committee on tenure in 1976 recognized that a quota system might be necessary if the tenure percentage rose above 67%. Historically, tenure rate (the chance that a non-tenured faculty member will be granted tenure in any given year) has behaved as an economic variable in that increased enrollment at Norwich University affected faculty employment with a subsequent numerical increase of faculty completing the probationary period as pre-requisite to tenure review. Norwich has enjoyed an unusually amicable relationship with its faculty insofar as monetary remuneration has been concerned. The low faculty salaries, which have risen more rapidly in the past three years, have not been a major cause of attrition.

Specific information upon researching Norwich communications brought the following items:

The Faculty Handbook of 1975 (the most recent of 1979 is now at the press) provided data on tenure policy, due process, academic freedom, and retirement regulations. Replies from questionnaires brought current regulations which are considered in a later section of the paper. A comparison of these indicated no major changes in regulations. The probationary period requires that four years be spent at Norwich. The Norwich policy states that tenured faculty who enter administrative positions have six years to remain in administration and give up tenure or return to the teaching ranks. Exempt from this rule are three persons, namely, the President, Dean of the University, and Dean of Vermont College.

An ad hoc committee on tenure reported in May, 1976, that a quota system might be necessary in the future and that consideration be given to employing the position of lecturer and hiring instructors with the thought that they would not remain long at the university; that a new and equitable evaluation system be devised by the university and that the question of tenured faculty in administration be addressed; and that a clarification of policy for releasing faculty for financial exigency, discontinuance of a program or department, or for medical reasons be made.

The particular items addressed fall into line with the faculty standards noted in the most recent reaccreditation report which was obtained from the Assistant Dean.

The local chapter of the AAUP has, in the past several months, addressed itself to the retirement changes rather than tenure or promotion. The AAUP chapter and the President's Advisory Committee seem to be the major vehicles to serve as the voice of the faculty; all faculty do not belong to the AAUP chapter and the advisory committee does not speak for the entire faculty.

Taking seriously Morton S. Baratz, of the National AAUP, comments that faculty members are reluctant to join the AAUP because of scarcity of jobs and lack of merit in tenure systems, then one has to conclude that the fledging local chapter of AAUP may hold less and less clout.

In carrying out the procedures, the authors selected persons within the University who are knowledgeable concerning past tenure practices (Dr. Eber Spencer), current and anticipated regulations (Dean Kenneth Smith), and the president of the local AAUP chapter (Dr. Gene Sessions). Questionnaires (Appendixes A-B-C) were sent to each of these persons requesting information that each might readily supply. Information derived from these questionnaires made the authors well aware of the fact that from the history and pattern of tenure regulations at Norwich, the most significant finding might be a prediction of the number of tenured faculty within the coming five years. Dean Smith was provided with a form which listed the departments and the full-time faculty in each. He was asked to correct and update the listing as of July 1, 1979, which was the beginning of the fiscal year for Norwich. His reply gave corrected names and listings and allowed the following table to be completed.

Table I

Tenured Faculty According to Departments

Department or Area	Full-Time Faculty	Tenure as of July, 1979
Biology	9	5
Economics and Business	13	3
Engineering	19	6
History and Government	14	8
English	21	10
Mathematics	10	9
Modern Languages	5	2
Nursing	9	4
Philosophy and Fine Arts	6	2
Physical Education	14	4
Physical Sciences	14	6
Physics	(5)	(3)
Chemistry	(6)	(2)
Earth Science	(3)	(1)
Psychology and Education	6	2
Secretarial Science	3	1
Library	2	1
Learning Skills	1	0
M. A. in Art Therapy	2	0

The table lists sixteen areas--thirteen departments, the library, the learning skills area, and a recently added area-- (July 1979) of a master's program in art therapy which is presently not a part of any of the thirteen departments. The physical science department shows three subdivisions and these have been noted in the table for tenure projections.

Among the full-time teaching faculty are included seven persons in administrative positions and they are as follows:

Table II

Tenured Administrative Faculty

Administration and Staff Members listed among full-time faculty		Total Tenured 7/79	Total Tenured 7/80
English	5	3	3
Engineering	1	1	1
Psychology and Education	1	0	0

A memorandum dated April 9, 1979, from the President to the faculty and staff made announcement of grants of tenure for 1979 and 1980. Using the data in this memorandum, a table was then prepared showing projections through 1980.

It should be noted that those ten persons who have been granted tenure may not be the only ones; the Promotion and Tenure Committee and/or the President may grant tenure to others between September 1979, and July 1980.

In conjunction with faculty retention, the authors took into account student enrollment. The 1977-78 student population at Norwich increased to 1,000; the anticipated enrollment for 1979-80 is 1,700; predictions are that demographic shifts favor Vermont student population growth.[32] Admissions officers at Norwich expect enrollment to increase through 1980 and then stablize and maintain itself through the early 80's. This would mean that the Northfield campus with its military residential population would be equal to its late 1960's enrollment; the enrollment at the Montpelier campus would comprise both residential and commuter population. The possibility of maintaining its current census but not exceeding 2,500 seems likely. These figures take into account that the existing facilities be used to capacity for living accommodations and that the population in the area that supplies commuters to Vermont College will remain about the same or increase slightly; the 2,500 figure given at this time is both maximal and reasonable.

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[32] The Chronicle of Higher Education, January 8, 1979, p. 13.

With regard to the law and its effect on tenure, the authors found that "there are no Federal rules, regulations, guidelines, or laws on tenure. This would smack too much of Federal control."[33] Therefore, tenure is a state and/or local policy matter.

In reviewing literature and conversing with persons on matters of legal implications on tenure, the authors found that private education governs tenure through each institution's own policy setting.[34] This gives a clear picture of the status granted to Norwich to adopt its own tenure regulations (as it has done) within the guidelines of due process, and academic freedom.

Conversing with Vermont Commissioner of Education the authors found that private educations governs tenure through policy setting. Perusal of Vermont state statutes showed laws governing public education.

Telephone conversations with the Vermont office of Congressman James Jeffords supported Thomas Shannon's (attorney for San Diego Community College) opinion that "In states having no teacher tenure statutes, constitutional due process...provides a judicially made quasi-tenure protection."[35] The first and fourteenth amendments assure both tenured and non-tenured faculty equal protection via due process.

Exploring further, the authors found that the academic community commonly acting as employer, understands that inherent in the concept of demonstrably bona fide termination is the requirement that an employer use fair and reasonable standards. This holds true in all types of employment since constitutional law gives everyone protection via due process.

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[33]Marie Martin, correspondence of June 5, 1979.

[34]Shannon, op cit, p. 2.

[35]Shannon, op cit, p. 2.

The authors did not attempt to review the innumerable court cases, taking only a cursory look at decisions--suffice to determine that one may find as many on one side of a censure, for example, as on the opposite side. Many cases involve philosophical and political beliefs of the faculty and many involve financial exigency.

The courts have not ascertained what constitutes financial exigency, prefering to leave the definition to the governing authority and administration of each institution. The protections usually afforded by the courts and institutional custom when a tenured faculty member is dismissed for cause are not available when dismissal is the result of a determination of financial exigency. "There is as yet little case law and much confusion about how the individual can expect the institution to be answerable for minimal due process when financial exigency is claimed." [36]

Many faculty who are affected by termination either for cause of financial exigency may feel the same consequences. Some would claim that reliance on the continuation of a program creates a sense of security in the faculty affilitated with a program. When that program or department is discontinued for financial exigency, the faculty feel the same sense of loss of job security as does the person terminated for other causes. The courts have relied on administrators alone to establish procedures and guidelines to be used in cases of financial exigency; leaving the two major approaches that faculty and

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[36] Marjorie C. Mix, Tenure and Termination in Financial Exigency, ERIC, Higher Education Research Report No. 3, ED 152 222, p. 14.

administrators may take as some form of shared authority and collective bargaining agreements that provide faculty protection.

One reads in Brenna V. Southern Colorado State College the Federal District Court in Colorado held that "whatever property interest the plaintiff (a tenured faculty member at a state institution) might previously have enjoyed in his employment was voided by financial exigency."[37]

Likewise, in Schever V. Creighton University the Supreme Court of Nebraska held that "the term financial exigency as used in the contract of employment..., may be limited to a financial exigency in a department of college."[38]

A 1940 statement pronulgated by a joint committee of the AAUP is widely accepted in the academic community. The AAUP has adhered to the 1940 statement and the 1966 statement on government to uphold its members in job security.

A letter from Fred Wellman, Executive of the Illinois Community College Board, notified the authors on July 10, 1979, that the Illinois General Assembly had passed SB 147 which mandates teacher tenure in the community college districts of Illinois; Dr. Wellman included information concerning the tenure in the Illinois system stating that 29 of the 39 colleges do have a tenure system (although 29 of 39 have no academic rank) and noting that the length of probation averages four years. Most community college organizations are in strong opposition to the bill and are encouraging the Governor

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[37] James G. Trulove, "Current Litigation," Academe, ed. December 1978, p. 4.

[38] Ibid., p. 9.

to veto it (See Appendix D).

A related interview by Dr. Martin with Dr. James Kellerman of the Florida Association of Community Colleges points out that the Florida system allows the transfer of previous experience from one institution to another and that each district board of trustees develops and adopts its own policies. Continuing contracts are given only in an instructional capacity and 2-3 years of employment in one institution is necessary before the issuance of such continuing contracts.

Professor Dan Fitzgerald of Herkimer Community College (NY) provided information of tenure indicating probation is 1-4 years with one added two-year non-renewable period available. Tenure limit at Herkimer is fixed at seventy percent (See Appendix E).

Tenure at New York City Community College is within departments and there is no transferability from one college in the system to another. If faculty are decreased in one college the faculty member must reapply to the new college within the system and start from zero in accumulating years to tenure.[39]

In New Jersey, there remains to be written a definitive opinion on the rights of the non-tenured teachers. Tenure, as such, is a legal status conferred by legislative action.[40]

The system in Michigan finds tenure within districts in public education. Probation is two years and not transferable. However, in case of layoffs, tenured persons have rights of reappointment to the

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[39] Matt Shalet, Assistant Professor, New York City Community College interview, December, 1978.

[40] John S. Fields, "The Law of Non-Tenured Teachers Dismissal," Journal of the Proceedings, School of Law Forum, ED 063 667, October 28, 1971, p. 23.

first vacancy in the school district.[41]

The Chronicle of Higher Education cites drastic steps taken by some colleges. Temple University in Philadelphia due to financial exigency gave notice to 21 tenured faculty that they will be dismissed as of January 1, 1981.[42]

Other colleges are taking steps to soften the retention problem. Southwestern at Memphis is an example of using tenured percentage reduction (80% to 67%), whereby tenured administrative faculty are given only two years to retain tenure.[43] Other colleges also offer early retirement plans. This is a less dramatic yet effective method of handling faculty tenure and financial exigency.

To confuse the issue further, the 1978 amendment to Age Discrimination Employment Act of 1967 was passed. This changed the minimum age for involuntary retirement for most workers from age 65 to 70 effective as of January 1, 1980. "Colleges and universities may continue to retire all tenured employees at age 65 until July 1, 1982.[44] The Dean of Norwich University has made it clear that Norwich intends "to follow the requirement of the new law" (See Appendix F).

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[41] Kenneth Grinstead, "The Michigan Teacher and Tenure: A Study of the Michigan Teacher's Tenure Act," ED105 555, p. 64.

[42] The Chronicle of Higher Education, "Temple Planning to Lay Off 21 Tenured Professors in 1981," July 23, 1979, p. 4.

[43] The Chronicle of Higher Education, "Tough New Tenure Policy Angers Memphis College's Faculty Members," April 16, 1979, p. 4.

[44] The Chronicle of Higher Education, "Proposed Retirement Rules Clarify College's Exemption," December 18, 1978.

Reaction to this was voiced by Rev. Theodore M. Hesburgh when he stated that "Every time the Federal government comes up with a bright idea for a new regulation it helps run cost up..."[45] Also Chicago's Johnson frets that Congress's move to defer mandatory retirement age to 70..will prevent Chicago from hiring 100 new assistant professors during the following five years (after 1982)... It's going to turn every school into more of a geriatric ward, and that is not good for education."[46]

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[45] Time Magazine, June 15, 1979, p. 39.

[46] Ibid.

DISCUSSIONS

It would seem that a new academic revolution is upon us as we enter the decade of the 1980's facing the problem of retention. The affluence of academia in the 1960's to 1970's due to increase in full-time equivalent students and the swelling of its professional ranks to meet this growth, is now faced with an over-tenured faculty in a period of declining enrollment. Colleges and universities through the country feel the strain of the impending problem.

The system of tenure which served to retain qualified faculty at Norwich may turn into an albatros about its neck. No longer can academic faculty or higher education administrators hide behind verbiage, non-sequiturs, and ad hominems. There clearly is a problem that looms bigger than ever between employer and employee.

A problem lies in the number of faculty employed at Norwich that would give a student-faculty ratio that is satisfactory to the trustees. The Norwich trustees have requested a ratio of 15:1. The ratio for the early 70's of 12:1 was less than desirable to them. As enrollment in 1981-82 increases, the ratio should become more palatable; but if the declining enrollment predicted nationwide after 1983 affects Norwich, the ratio will become of severe concern to trustees and administration. Student-faculty ratio is not part of this study; however, it is a factor that will affect the tenure regulations at Norwich.

Currently among the untenured faculty some have finished their probationary period and in many instances have been given three years

credit for previous teaching at other accredited institutions. This has assured ten faculty of tenure in 1980. Using data collected the following table shows the current and projected percentage of tenured faculty in each department: Table III

Current and Projected Percentages of Tenured Faculty

Department or Area	Full-Time Faculty	Percentage Tenured as of 7/79	Percentage Tenured as of 7/80
Biology	9	55.5%	66.7%
Economics and Business	13	23.1%	30.8%
Engineering	18	31.6%	36.8%
History and Government	14	57.1%	57.1%
English	21	47.6%	52.4%
Mathematics	10	90.0%	90.0%
Modern Language	5	40.0%	40.0%
Nursing	9	44.4%	55.6%
Philosophy and Fine Arts	6	33.3%	33.3%
Physical Education	14	28.6%	42.9%
Physical Sciences	14	42.9%	50.0%
Physics	(5)	(60.0%)	(60.0%)
Chemistry	(6)	(33.3%)	(50.0%)
Earth Science	(3)	(33.3%)	(33.3%)
Psychology and Education	6	33.3%	50.0%
Secretarial Science	3	33.3%	66.7%
Library	2	50.0%	50.0%
Learning Skills	1	0.0%	0.0%
M. A. Art Therapy	2	0.0%	0.0%

If this rapid increase in tenured faculty continues, Norwich must devise means to control the rate at which faculty are tenured.

With the change in mandatory retirement age, a possibility of decreased enrollment, and increased numbers of tenured faculty, institutions will find themselves resorting to bona fide financial exigency as a means to reduce faculty. Norwich may be among such institutions.

In Krotkoff v. Goucher College the court found that the National Academic community's understanding of the concept of tenure incorporates the notion that a college may refuse to renew a tenured teacher's contract because of financial exigency so long as its action is demonstrably bona fide.[47] If the current tenure system continues to operate in institution of higher education in the 1980's, locking in the older faculty via tenure during a period of declining enrollment, then one must conclude that new faculty job openings will not exist. This can have far-reaching effects that may render lasting harm to the educational institutions especially Norwich University.

The implications for Norwich are that consideration for change in the tenure system are needed at an early date. The authors have concluded that tenure is a major governance tool at Norwich and departments have the greatest influence on tenure; therefore, according to the administrative organization, the major route of governance is through department chairman, the Dean of the University and the President. In the authors' opinions, the departments themselves are at present

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[47] Academe, op cit., p.2.

the most forceful governance bodies in the University.

Data has indicated that tenure has been given carte blanche as faculty became eligible. This situation must be rectified if Norwich is to keep its tenure ratio below even 70 to 80 percent, establish a 15:1 student-faculty ratio, and provide opportunities for employing new faculty.

The authors note that the faculty considered in this study are the 148 full-time teaching faculty and this is not the figure used for student-faculty ratio. (Part-time, adjuncts, and military faculty would have to be added to arrive at the full-time equivalent figure used for student-faculty ratios).

In the past, Norwich has enjoyed peacable existence with its faculty. Tenure appears to have been the pacifying reward for low salaries.

During the 1960's when student enrollments were increasing, new faculty were hired with no concern for overtenuring. In the early 1970's, student enrollment paled and faculty of the 60's were in quick succession becoming tenured. By 1977-78 this left some departments nearly fully tenured.

The question now is raised whether Norwich can continue to grant tenure as it has in the past, knowing that predictions of the 1980's include student retrenchment and that the 1978 Amendment to ADEA will automatically retain current faculty longer than anticipated or intended.

The authors conclude from reviewing the data collected in this study that Norwich administration is very rigid. This rigidity has prevented any meaningful faculty organization to develop that could contribute to governance and/or the tenure policies. Instead, the strength of individual departments has grown to the point where individual departments appear to run administration rather than administration running its constituent parts. For example, the mathematics and engineering departments appear to be autonomous in their decision making, hiring procedures, and programs of study offered.

It is further noted from the study that because of the carte blanche type of tenure granting, one has to question the fairness and equitableness of tenure granting.

Implications

Norwich cannot continue on a track of granting tenure without projecting the consequences to its stability as an institution of higher education. For some departments to be fully tenured would mean locking out new blood and ideas. A possible stagnation enlarged by the new retirement age will cheat students and severely affect the quality of education. This further implies that faculty in areas needing new ideas and up-to-date approaches and knowledge are the areas least likely to have openings in a tenure tract; (e.g. engineering and business and nursing). Increased department power could put

Norwich on a disaster course if constituant parts become stronger than administrative power.

Recommendations

The authors conclude from the data studied that Norwich University should explore and implement the following steps:

1. establish a committee to conduct a major study of tenure at Norwich.
2. introduce long-term renewable and non-renewable contracts.
3. introduce non-tenure tract positions among full-time faculty positions.
4. improve benefits for faculty that would enhance the employment of numbers 2 and 3.
5. establish improved benefits that would encourage early retirement.
6. establish governance methods that would decrease the growing vested interests within departments, particularly with regard to tenure.
7. investigate the establishment of a quota system of tenured faculty for the university and within departments.
8. establish tenure review in year seven and tenure decisions in year eight.
9. develop one form to be used for faculty evaluations at the time of faculty review and a supplementary one for the time of tenure decision that would bring a university consistancy to the evaluation and decision-making process.
10. investigate the impact of tenured faculty in administration on the tenure system.
11. establish department policies for retrenchment because of financial exigency.

BIBLIOGRAPHY

Blocker, Clyde E., Louis W. Bender & S. V. Martorana. The Political Terrain of American Postsecondary Education. Ft. Lauderdale, FL: Nova University Press, 1975.

Carnegie Commission on Higher Education. A Digest of Reports of the Carnegie Commission on Higher Education. New York: McGraw-Hill Book Company, 1974.

Carnegie Commission on Higher Education. The Purposes and the Performance of Higher Education in the United States Approaching the Year 2000. New York: McGraw-Hill Book Company, 1973.

Carr, Robert K. & Daniel Van Eyck. Collective Bargaining Comes to the Campus. Washington, D.C.: American Council on Education, 1973.

Clark, Burton R. & Ted K. Youn. Academic Power in the United States. ERIC Clearinghouse Research Report 3. Washington, D.C.: George Washington University, 1976. ERIC Document No. ED 127 853.

Dahl, Robert A. Who Governs?: Democracy and Power in an American City. New Haven: Yale University Press, 1961.

Duryea, E. D., Robert S. Fisk & Associates. Faculty Unions and Collective Bargaining. San Francisco: Jossey-Bass Publishers, 1973.

Fields, John S. "The Law of Non-Tenured Teachers Dismissal." Journal of the Proceedings, School Law Forum, October 28, 1971.

Grinstead, Kenneth. "The Michigan Teacher and Tenure: A Study of the Michigan Teacher's Tenure Act." ED105 555.

Hughes, John F. & Olive Mills. Formulating Policy for Postsecondary Education: The Search for Alternatives, Proceedings. Washington, D.C.: American Council on Education, 1975.

Kent, Robert B. "Tenure: Arguments For and Against." The Chronicle of Higher Education, June 25, 1979.

Kerr, Clark. The Uses of the University: With a Postscript 1972. Cambridge, MA: Harvard University Press, 1972.

Lee, James A. "Tenure: Arguements For and Against." The Chronicle of Higher Education, June 25, 1979.

Magarrell, Jack. "The Enrollment Roller Coaster: Colleges Fear the Big Dip." The Chronicle of Higher Education, Vol. XVII: 1, September 5, 1978.

Martin, Marie. Correspondence of June 5, 1979.

Millard, Richard M. State Boards of Higher Education. ERIC Higher Education Report 4. Washington, D.C.: The American Association for Higher Education, 1976. ERIC Document No. ED 129 196.

Miller, R. D. "Tenure: A Cause of Intellectual Cowardice?" The Chronicle of Higher Education, April 30, 1979.

Minter, J. and H. Bowen. Private Higher Education Third Annual Report 1977. Association of American Colleges, 1818 R Street NW Washington, D.C.

Mix, Marjorie C. Tenure and Termination in Financial Exigency. Higher Education Research Report No. 3, George Washington University, Washington, D.C., ERIC Document ED 152 222, 1978.

O'Toole, James. "Tenure--A Conscientious Objection." Change, June/July 1978.

Shalet, Matt, Assistant Professor, New York City Community College interview, December 1978.

Shannon, Thomas A. Should Teacher Tenure Laws Be Replaced. U.S. Education Resources Information Center, ERIC Document ED 057 498, November 1971.

Special Task Force to the Secretary of Health, Education & Welfare. Second Newman Report: National Policy and Higher Education. Cambridge, MA: The MIT Press, 1974.

The Chronicle of Higher Education. "Proposed Retirement Rules Clarify College's Exemption." December 18, 1978.

The Chronicle of Higher Education. "Temple Planning to Lay Off 21 Tenured Professors in 1981." July 23, 1979.

The Chronicle of Higher Education. "Tough New Tenure Policy Angers Memphis College's Faculty Members." April 16, 1979.

The Chronicle of Higher Education. Washington Notes--"Older Workers May Be Given Lower Fringe Benefits." June 18, 1979.

Time Magazine. June 15, 1979.

Trulove, James G. "Current Litigation." Academe, ed. December 1978.

U.S. Department of Labor. Projections of Occupational Employment in New England to 1985. Regional Report 78-4, 1978.

Van Alstyne, William W. "Tenured-A Conscientious Objective." Change, October 1978.

Washington Monthly, November 1979.

Watkins, Beverly T. "Survival of AAUP in Doubt." The Chronicle of Higher Education, June 18, 1979.

Witham, Wallace F., Jr. "Letter to the Editor." The Chronicle of Higher Education, June 25, 1979.

APPENDIX A

5 Brown Avenue
St. Albans, VT 05478
July 25, 1979

Dear Eber

Sister St. Thomas and I are working on a research paper on tenure. We have accumulated a great deal of material; however, a great deal of our research findings do not focus much on private institutions of higher education.

Would you be kind enough to give us a few thoughts on these questions

1. During your years at Norwich, what major changes do you recall having been made in the tenure system?

2. What job security, in your opinion, does tenure offer that untenured faculty do not have? e.g. considering both the 1st. and 14th. amendments; difference that might exist between private and public institutions of higher education

3. Considering the Age Discrimination in Employment Act--how do you see this retirement act affecting the tenure policy at Norwich in a few years when college faculty fall into the age-70 retirement policy?
Our current figure of tenure percentage--from the studies we are doing right now--is approximately 53% of full-time faculty.

Eber, we will value your opinions; but please do not feel that you must spend any particular amount of time answering us. Perhaps at a later date you would be good enough to give us some comments and advice when we are ready to bring our paper to its completion.

I hope you're having some pleasant vacation days. You may wish to drop any reply you have into the campus mail or send it along to me here.

Sincerely

Pat Kennedy

5 Brown Avenue
St. Albans, VT 05478
July 25, 1979

Dear Ken

Sister St. Thomas and I are doing some joint research on tenure. Would you be good enough to help us by giving us some information.

1. On the attached two-page listing of the faculty:
   --would you check to see that we have all the tenured ones marked. We've included those 10 who have been approved for 1980.

   --would you add any names we may not yet know about--actually we don't need names, just where there may be added full-time faculty added.

   --would you strike out those who are no longer full-time faculty.

2. In the yet-to-be released new faculty manual, is there a differene statement on tenure from what appears in our present old manual? If so, is it possible for us to have a copy of the policy on tenure that will appear.

3. In the manual that is being used for reaccreditation, is there anything concerning tenure that you might Xerox and send?

4. Has any policy been established yet that would affect faculty and their tenure for those who will be working until age 70 (which law of the Age Discrimination Employment Act will not affect us for a few more years, I realize)?

I am in Montpelier about once a week if you might wish to send me a reply in the campus mail; however, I note that the campus mail isn't moving regularly, and perhaps you would be good enough to mail the information you can give me to this address. I'll appreciate whatever you can help us with.

Pat Kennedy

5 Brown Avenue
St. Albans, VT 05478
July 25, 1979

Dear Gene

At the present time I am doing a paper that requires more information on tenure at Norwich than I have available. Would you help me out with some of these questions?

1. Do you know when tenure was first begun at Norwich?

2. When was the first chapter of the AAUP started at Norwich?

3. When did Norwich begin to adhere closely to the AAUP tenure policies?

4. Do you have a copy of the specific AAUP policy on tenure in private colleges (or is it the same in public as well) and does Norwich follow all or only part of the AAUP policy.

   If you have a copy of the AAUP policy handy, I'd like to read it.

5. Do you believe that full-time faculty would have job security at Norwich without the tenure policy? Perhaps you would elaborate a bit on this.

When you stop in the mailroom next time, would you drop off any information you can share with me. I'm in every week and will pick it up.

Sincerely

Pat Kennedy

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July 10, 1979

Ms. M. Patricia Kennedy
Associate Professor
Secretarial Science Dept.
Vermont College
Montpelier, Vermont 05602

Dear Ms. Kennedy:

This is in response to your letter of June 26 in which you request information regarding tenure policies and the transferability of associate degree courses in Illinois public community colleges.

With respect to tenure policies in Illinois, the Illinois General Assembly has just passed SB 147 which mandates teacher tenure in the community college districts of Illinois. At this point in time it is not clear whether the Governor will sign the bill or not. Most community college organizations are in strong opposition to the bill and are encouraging the Governor to veto it. A copy of SB 147 is attached. Also attached is a page from a report entitled "Faculty and Administrative Salary Survey" which we distributed this past winter which indicates which of our 39 districts have faculty tenure.

With respect to the question of transferability of associate degree courses to four-year institutions, I am enclosing a study done last fall by our office entitled "A Statewide Follow-Up Study of Students Who Transfer from Illinois Public Community Colleges to Illinois Four-Year Colleges and Universities." This is a three-year longitudinal study which reflects the success of our students in transferring to four-year institutions. However, you should understand that many students transferring from community colleges to four-year institutions in Illinois do not have an associate degree.

If we can provide any further assistance to you, please feel free to write.

My best wishes.

Sincerely yours,

Fred L. Wellman

Fred L. Wellman
Executive Director

FLW:JH:va

Attachments (3)

Herkimer Community College

Promotion and Tenure Policies (cont.)

E. DURATION OF APPOINTMENTS

1. Initial appointments to faculty positions are ordinarily for one year subject to renewal for an additional one, two, or three year term.

Notices of non-renewal of a term appointment shall be made in writing by the President not later than two months prior to the end of the initial term appointment and not later than four months prior to the end of a subsequent appointment.

The services of members of the faculty staff having term appointments shall cease automatically at the end of their specified terms. There shall be no right of appeal from non-renewal of a term appointment.

2. Policy on Tenure - The probationary period at Herkimer County Community College will not exceed four years from the initial appointment to rank of instructor or above. At the discretion of the President, however, a faculty member may receive tenure from the date of initial appointment.

If tenure is not granted, it shall be assumed that the best interests of the College shall be served by non-renewal of appointment and the faculty member shall be so notified under the provisions for non-reappointment set forth above.

If a faculty member does not receive tenure at the end of four years, he may be granted a two-year, probationary appointment, during which, at any time, he may be granted tenure. This two-year term may not be renewed.

Trustee policy has established a limit on the number of faculty to be granted Tenure. This has been fixed at seventy percent.

Faculty not granted Tenure due to quota limitations will be eligible for renewable term appointments of four years. At any time during this term they may be considered for tenure if vacancies exist.

Tenured faculty are subject to dismissal for cause or retrenchment. Non-tenured faculty are subject to non-renewal of term appointment without cause and are subject to dismissal at any time for cause under the same conditions as are tenured faculty.

Causes for dismissal shall include:

a. Insubordination
b. Immoral conduct or conduct unbecoming a faculty member
c. Inefficiency
d. Incompetency or neglect of duty
e. Non-feasance, mis-feasance, or mal-deasance

NEWSLETTER
Norwich Chapter
American Association of University Professors
April 30, 1979 - vol. II no. 4

Policy on Mandatory Retirement

The law extending the retirement age of most Americans to 70 contained a clause postponing the legislation's application to tenured college professors until July 1, 1982. But many colleges and universities have announced that they do not intend to use the "tenured professor exemption" and that they are immediately extending their mandatory retirement age to 70. Among schools which have recently done so are Amherst College, Bently College, and Skidmore College.

The American Council on Education has announced the results of a survey of current institutional mandatory retirement policies. Of 232 institutions surveyed, more than half stated that they will not use the exemption. Reasons for not using the exemption include: no tenure system, state law or institutional policy which provides for mandatory retirement at age 74 or no mandatory retirement, the difficulty of administering two retirement ages for institutional employees, no faculty members to reach 65 by 1982, the unfairness of having different retirement ages for different classes of faculty, problems of faculty morale, the provisions of collective bargaining agreement, etc.

The policy at Norwich, according to Dean Cutts, is to "follow the requirements of the new law." That is, Norwich does not intend to waive the "tenured professor exemption," and will maintain until July 1, 1982 the current university regulations concerning retirement.

MAR 0 5 1982

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